

STATE OF MICHIGAN



42-2 DISTRICT COURT

WILLIAM H. HACKEL III
District Judge

MARLISA BEAUCHEMIN
Court Administrator

JOSEPH COZZOLINO
Magistrate

JOSEPH PLAWECKI
Magistrate

42-2 District Court
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April 21, 2016

Hon. Peter J. Lucido
Michigan House of Representatives
36th District
S-885 House Office Building
P.O. Box 30014
Lansing, MI 48909

Re: Amending MCL 257.225(2)
Obscuring License Plates on Motor Vehicles

Dear Representative Lucido:

The Legislature may want to consider amending the Michigan statute regarding obscuring a license plate, MCL 257.225(2). A recent Michigan Supreme Court decision has held that motorists who have a towing ball attached to rear of the vehicle are subject to a traffic stop and civil infraction. A reading of that decision would appear to also allow police officers to stop vehicles that utilize towing balls for all sorts of things: wheelchair and handicap scooter carriers, bicycle racks, and also if the motorist is towing a towing trailer. This may have a negative impact on travel to and within the State for such things as camping, boating, hunting, moving, etc.

MCL 257.225(2), regulates the placement and condition of registration plates and provides:

"A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition." [Attachment A]

In *People v Dunbar*, __ Mich __, Case No. 150371, 2016 WL 1228542 (decided March 29, 2016)[Attachment B], the Michigan Supreme Court examined whether a trailer ball attached to a motor vehicle violated the second sentence of this statute, in particular the phrase "shall be attached...in a place and position which



is clearly visible". The Court interpreted the meaning of "clearly visible" as follows:

"This location must be "clearly visible," meaning that the location where the plate is attached—and after attachment the plate itself—can be viewed without obstruction. MCL 257.225(2) accordingly and simply requires that the registration plate be attached where it can be seen without obstruction."

Moreover, it held that "the second sentence [of MCL 257.252(2)], by requiring that the plate be 'clearly visible', requires that the plate be attached to where it will not be obstructed."

Based on this interpretation, the Court concluded that the trailer ball did indeed violate the statute:

"Having concluded that MCL 257.225(2) requires that a vehicle's registration plate be attached where it can be seen without obstruction, we apply that understanding of the statute to the instant case to determine whether defendant violated the statute. The trial court found, on the basis of the testimony of the officers and pictures taken during the traffic stop, that the officers' view of the truck's plate was obstructed by the attached towing ball. Indeed, that finding is not challenged. Because MCL 257.225(2) prohibits an obstruction of a vehicle's registration plate, defendant violated the statute. The officers' stop of defendant thus was lawful, and the trial court properly denied defendant's motion to suppress."¹

The Court did note:

"that the instant violation was based not on an object or condition outside the defendant's control but on an object fully within his control—namely, a towing ball attached to his rear bumper."

In other words, obstruction was because the person physically attached the trailer ball on his own vehicle, not because of nature.

¹ The Michigan Supreme Court's decision in this regard is not unique. See *People v White*, 113 Cal Rptr 2nd 584 (Cal App 2001) (trailer hitch is an obstruction); *Parks v State*, 247 P2d 857 (Wyo 2011)(license plate was not visible due to a trailer ball). But see *Harris v State*, 11 So3d 462 (Fla Ct App 2008)(statute does not include trailer hitch, bike racks, handicap chairs, and u-hauls).

The Court recognized the impact its interpretation will have on motorists within the State:

"We are cognizant that Michiganders' vehicles commonly have items such as trailer hitches and bicycle racks attached to them, and accordingly recognize that under MCL 257.225(2) common conduct may lead to what some might consider harsh consequences."²

² The Illinois Supreme Court provided the following potential impact examples:

"For example, consider a physically disabled Illinois resident who is unable to afford a vehicle, such as a cargo van, that is large enough to hold her wheelchair or electric scooter inside the vehicle itself. If she uses a carrier which is attached to a trailer hitch at the rear of her car to transport her wheelchair or scooter, she obstructs the visibility of her license plate and, according to the [prosecutor] violates [the law]. If, however, she removes the plate from her car and mounts it on a frame of the carrier so that the plate is no longer obstructed, she violates that portion of [the law] which states the plate must be 'securely fastened' 'to the vehicle for which it is issued.' In short, no matter what she does, she will violate the law. She cannot lawfully use a wheelchair or scooter carrier.

The same scenario holds true for other widely used objects such as bicycle racks and rental trailers. A rental trailer obstructs the plate that is attached to the towing vehicle, and while the trailer must have a license plate, that plate belongs to the rental company and provides no identifying information about the vehicle pulling the trailer. And even a public bus equipped with a bicycle rack on its face would be unlawful under the [prosecutor's] reading of [the law] if the rack were to obstruct the license plate.... Thus, under the [prosecutor's] reading of [the law], ball-type trailer hitches, such as the one at issue here, wheelchair and scooter carriers, bicycle racks and rental trailers would all be illegal. These consequences reasonably counsel against the broad reading of the statute proposed by the [prosecutor]." *People v Gayton*, 2015 IL 116223, issued May 21, 2015. [Attachment 3 is a picture of the allegedly offending trailer ball]

The Illinois Supreme Court concluded its State statute was ambiguous, invoked the rule of lenity, and held the statute "prohibits only those objects that obstruct visibility and legibility of the license plate which are physically connected or attached to the plate itself." Since the Michigan Supreme Court held the Michigan statute was not ambiguous it did not consider or apply the rule of lenity.

As an aside, the previous decision of the Illinois Appellate Court identified an even greater ambiguity in the statute, noting that taking what is considered to not be "clearly visible" to a police officer may, "taken to its logical conclusion, it would prohibit any object such as a traffic sign, post, tree, or even another vehicle from obstructing a police officer's 'clear visibility' of the plate." *People v Gayton*, 2013 IL App (4th) 120217, issued May 21, 2013.

However, the Court determined that clarification, if any were needed, had to be based on a legislative amendment:

"But the potentially broad reach of a statute by itself does not invest a judicial body with the authority either to revise that statute or to interpret it in a manner inconsistent with its language. We do not sit as the "legislators in chief" of this state in order to correct statutes that may be viewed by some (or even by many) as 'cumbersome,' 'impractical,' or 'inadequately precise.'"³

Similarly, the Court was also aware that motorists who are actually towing a trailer could be stopped because an officer would not be able to see the license plate on the towing vehicle because it would be blocked by the trailer itself:

"We do not decide today whether MCL 257.225(2) is violated when a trailer hitch is, in fact, being used to tow a trailer and the combination of the hitch and the trailer obstructs the registration plate. We note that trailers are permitted under the statutory scheme, see MCL 257.721, and that trailers generally must have their own registration plates, see MCL 257.73; MCL 257.216; MCL 257.225."

Whether a trailer has a proper plate does not address the issue of whether the trailer is blocking the clear visibility of the plate on the towing vehicle.

One could quibble with whether it ever truly was, or currently is, the intent of the Legislature and Governor that all motorists in Michigan who have a towing ball or towing hitch attached to his/her vehicle, or actually are towing a trailer, are violating State law and can be pulled over by the police, ticketed, pay fines, assessments and court costs, but the fact remains that this is now how the statute is interpreted.

Given that State spends tax dollars promoting its natural wonders, emphasizing such recreational activities as camping, biking, hunting, etc., towing balls, towing hitches and trailers are often an integral part of traveling to engage in these activities. Furthermore, persons seeking to move use trailers, as do parents moving their children into college. Finally, those that utilize wheelchair and handicap scooter carriers generally find the back of the vehicle a good place to

³ The Michigan Supreme Court essentially concluded that the statute was not ambiguous, rejecting the language in a prior holding by the Michigan Court of Appeals in *Canton Twp v Wilmon*, unpublished per curiam opinion of the Court of Appeals, issued March 7, 2013 [Docket No 305308] ("at best, [MCL 257.252(2)] is ambiguous regarding the applicability to objects such as the hitch ball")

store them when traveling.⁴ Admittedly this may sound a bit extreme, but the strict interpretation of this statute does subject those Michigan motorists engaging in those activities to being stopped and potentially ticketed.⁵

A suggested amendment may be:

"A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible but loss of visibility does not include obstructions due to trailer balls, trailer hitches or if the vehicle's registration plate is blocked by a licensed trailer. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition."

or

"A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible, wherein "clear visibility" is limited to meaning that the obstruction cannot be on the registration plate itself. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition."

Thank you for your attention and time in considering this letter.

Very truly yours,



William H. Hackel III
District Court Judge,
42-2 District Court

With Attachments

⁴ I have not done any in depth research on whether stopping and ticketing motorists with utilizing which such aids would be a violation of the federal Americans with Disabilities Act of 1980, 42 USC 126 et seq or Michigan's Persons with Disabilities Civil Rights Act, MCL 37.1101 et seq.

⁵ Interestingly, there is case law that provides that out-of-state residents traveling to Michigan are not subject to Michigan's motor vehicle equipment regulations. See *People v Gales*, unpublished per curiam opinion of the Court of Appeals, issued June 14, 2007 [Docket No. 269803].

ATTACHMENT

A

Michigan Compiled Laws Annotated
Chapter 257. Motor Vehicles
Michigan Vehicle Code (Refs & Annos)
Chapter II. Administration, Registration, Certificate of Title and Anti-Theft (Refs & Annos)
in General (Refs & Annos)

M.C.L.A. 257.225

257.225. Registration plate; attachment to vehicle; legibility; color of plate and expiration tab; distinctive registration plate or commemorative plate; obstruction of registration information; historic military vehicles; violation and penalty

Effective: March 4, 2014
Currentness

Sec. 225. (1) Except as otherwise provided in this subsection and subsection (6), a registration plate issued for a vehicle shall be attached to the rear of the vehicle. A registration plate issued for a truck tractor or road tractor shall be attached to the front of the vehicle.

(2) A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position that is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information and in a clearly legible condition.

(3) A registration plate or an expiration tab on the registration plate shall be of a different color designated by the secretary of state with a marked contrast between the color of the registration plate and the numerals or letters on the plate. The secretary of state may provide a distinctive registration plate as a replacement for a standard plate. To honor a special or historical event, the secretary of state may provide a commemorative plate as a replacement for a standard plate.

(4) A person shall not attach a name plate, insignia, or advertising device to a registration plate in a manner that obscures or partially obscures the registration information.

(5) A person shall not operate a motor vehicle that has a name plate, insignia, or advertising device attached to a registration plate in a manner that obscures or partially obscures the registration information.

(6) A registration plate issued for a historic military vehicle that is authorized to be operated on the roads of this state is not required to be attached to the rear or the front of the historic military vehicle unless the historic military vehicle was originally manufactured with lighting and mounting provisions for a registration plate. However, if the registration plate is not attached to the exterior of the historic military vehicle, it shall be present in the historic military vehicle to which it refers and shall be made available upon demand of a police officer. As used in this subsection, "historic military vehicle" means a vehicle, including a trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately.

(7) A person who violates this section is responsible for a civil infraction.

Credits

Amended by P.A.1980, No. 46, § 1, Imd. Eff. March 19; P.A.1980, No. 476, § 1, Eff. March 31, 1981; P.A.1984, No. 132, § 1, Imd. Eff. June 1; P.A.1995, No. 129, § 1, Imd. Eff. June 30, 1995; P.A.2014, No. 26, Imd. Eff. March 4, 2014.

Notes of Decisions (4)

M. C. L. A. 257.225, MI ST 257.225

The statutes are current through P.A.2016, No. 84 of the 2016 Regular Session, 98th Legislature.

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ATTACHMENT

B

2016 WL 1228542

Only the Westlaw citation is currently available.
Supreme Court of Michigan.

PEOPLE of the State of
Michigan, Plaintiff–Appellant,

v.

Charles Almando–Maurice
DUNBAR, Defendant–Appellee.

Docket No. 150371.

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March 29, 2016.

OPINION

MARKMAN, J.

This case arises from a traffic stop of defendant made after police officers observed that his vehicle's registration plate was partially obstructed by a bumper-mounted towing ball, a civil infraction under MCL 257.225(2) and (7). During this stop, the officers smelled burnt marijuana within the vehicle, leading to a search of the vehicle during which they discovered contraband, including marijuana, cocaine, and a handgun. Defendant subsequently moved in the trial court to suppress that contraband as the fruit of an illegal seizure because, according to defendant, the officers lacked a lawful basis on which to stop his vehicle. The trial court denied defendant's motion, concluding that his obstructed plate violated MCL 257.225(2) and therefore provided a lawful basis on which to stop his vehicle. The Court of Appeals, however, concluded that MCL 257.225(2) does not prohibit the obstruction of a registration plate by a towing ball and reversed. We respectfully disagree with the Court of Appeals and reverse its judgment. For the reasons set forth below, we conclude that defendant violated MCL 257.225(2) and therefore that the police officers had a lawful basis on which to stop him. The trial court accordingly was correct to deny defendant's motion to suppress.

I. FACTS AND HISTORY

In the early morning of October 12, 2012, defendant was driving his Ford Ranger pickup truck on West Hackley Avenue in Muskegon Heights. Muskegon County Sheriff

Deputies James Ottinger and Jason Van Andel were on a routine patrol and started following defendant. Ottinger testified that the officers' decision to follow defendant was not based on any particular suspicious activity. They nonetheless decided to check his truck's registration plate against the Law Enforcement Information Network (LEIN), a statewide computerized information system, which, according to Van Ottinger, is commonly done on patrol. According to Van Andel, a towing ball on the truck's bumper partially obstructed his view of the truck's registration plate; however, from his vantage point, the officer surmised that the plate read either CHS 5818 or CHS 6818. He entered CHS 5818 into LEIN, which returned as the registration-plate number for a 2007 Chevrolet Equinox rather than a Ford Ranger. Both officers testified that they decided to stop defendant for having an obstructed registration plate.¹ The officers then turned on their overhead lights, and defendant promptly pulled over.

¹ When asked why he had not attempted to enter CHS 6818 into LEIN, Van Andel testified merely that the decision to stop defendant was made upon learning that CHS 5818 was associated with a 2007 Chevrolet Equinox.

The officers approached defendant's pickup truck and could then see that the plate read CHS 6818 rather than CHS 5818. While talking with defendant, the officers smelled burnt marijuana coming from the vehicle. A vehicle search revealed contraband, including marijuana, cocaine, and a handgun, leading to defendant's being criminally charged with possession of cocaine, possession of marijuana, and carrying a concealed weapon.²

² The vehicle search itself has not been challenged.

In the trial court, defendant moved to suppress the contraband. He argued that he had been unlawfully seized under the Fourth Amendment of the United States Constitution and article 1, § 11 of the Michigan Constitution because the officers lacked a "reasonable suspicion" of an offense supporting the traffic stop. Therefore, he proceeded to argue, the ensuing discovery of contraband had been the fruit of an illegal seizure. Following a hearing, the trial court determined that the towing ball on defendant's truck had obstructed the officers' view of the truck's registration plate and thus concluded that the stop had been properly grounded on defendant's violation of MCL 257.225(2). Accordingly, it denied defendant's motion to suppress.

The Court of Appeals granted defendant's motion for interlocutory appeal and reversed in a split decision. *People v. Dunbar*, 306 Mich.App 562; 857 NW2d 280 (2014). In the lead opinion, Judge SHAPIRO asserted that while the officers "had difficulty reading one of the seven characters on the pickup's license plate due to the presence of a trailer towing ball attached to the rear bumper," "the circumstances observed by the officers did not constitute a violation" of MCL 257.225(2) because the plate *itself* was clean and legible and the "statute makes no reference to trailer hitches, towing balls, or other commonly used towing equipment..." *Id.* at 565-566 (opinion by SHAPIRO, J.). Judge O'CONNELL concurred in the result and wrote separately to state that the statute is "ambiguous" and "unconstitutionally vague" because it "casts a net so wide that it could be construed to make ordinary car equipment illegal, including equipment like bicycle carriers, trailers, and trailer hitches." *Id.* at 566-567 (opinion by O'CONNELL, J.). He thus read MCL 257.225(2) "to require only that the license plate *itself* be maintained free from materials that obscure the registration information and that the plate *itself* be in a clearly legible condition." *Id.* at 567. Judge METER dissented and contended that defendant's obstructed registration plate provided the officers with a lawful basis on which to stop defendant. *Id.* at 569-570 (opinion by METER, P.J.).

The prosecutor applied in this Court for leave to appeal, and we ordered under MCR 7.302(H)(1) that oral argument be held to address whether to grant leave or take other action. *People v. Dunbar*, 497 Mich. 978 (2015). The parties were directed to brief "whether the license plate affixed to the defendant's vehicle violated MCL 257.225(2) where it was obstructed by a towing ball, thereby permitting law enforcement officers to conduct a traffic stop of the defendant's vehicle." *Id.* We heard oral argument on November 4, 2015, and now consider the prosecutor's application. In lieu of granting leave to appeal, we reverse the Court of Appeals' judgment.

II. STANDARD OF REVIEW

In considering a trial court's ruling on a motion to suppress, we review its factual findings for clear error and its interpretation of the law de novo. *People v. Tanner*, 496 Mich. 199, 206; 853 NW2d 653 (2014).

III. ANALYSIS

We review here the Court of Appeals' determination that defendant did not violate MCL 257.225(2) when his truck's registration plate was partially obstructed by a towing ball. If defendant violated this statute, the ensuing traffic stop was lawful. See MCL 257.742(1) ("A police officer who witnesses a person violating [the Michigan Vehicle Code, MCL 257.1 through MCL 257.923] ..., which violation is a civil infraction, may stop [and temporarily] detain the person...."); MCL 257.225(7) ("A person who violates this section is responsible for a civil infraction."); see also *Whren v. United States*, 517 U.S. 806, 810; 116 S Ct 1769, 135 L.Ed.2d 89 (1996) ("[T]he decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred.").

When interpreting a statute, we seek "to ascertain the legislative intent that may be reasonably inferred from the words expressed in the statute." *Epps v. 4 Quarters Restoration LLC*, 498 Mich. 518, 529; 872 NW2d 412 (2015). We "give effect to every word, phrase, and clause and avoid an interpretation that would render any part of the statute surplusage or nugatory." *People v. Miller*, 498 Mich. 13, 25; 869 NW2d 204 (2015). We interpret the text "according to the common and approved usage of the language." MCL 8.3a. Unless we conclude that the statute is ambiguous, the Legislature is "presumed to have intended the meaning expressed" in the statute. *People v. Liking*, 492 Mich. 367, 387; 823 NW2d 50 (2012). A clear and unambiguous statute "must be enforced as written and no further judicial construction is permitted." *Gardner v. Dep't of Treasury*, 498 Mich. 1, 6; 869 NW2d 199 (2015).

The provision of the statute at issue, MCL 257.225(2), regulates the placement and condition of registration plates:

A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible. The plate shall be maintained free from foreign materials that obscure

or partially obscure the registration information, and in a clearly legible condition.³

3 As amended by 1995 PA 129. Following the events giving rise to this case, the Legislature enacted 2014 PA 26, which amended MCL 257.225(2) by substituting "that" for "which" in the second sentence and striking the comma after "information" in the third sentence. Neither change affects our interpretation of the statute.

This case concerns the second sentence of the provision, which directs that a registration plate "shall be attached ... in a place and position which is clearly visible."⁴ The phrase "place and position" indicates that this sentence governs the location of the registration plate on a vehicle. This location must be "clearly visible," meaning that the location where the plate is attached—and after attachment the plate itself⁵—can be viewed without obstruction.⁶ MCL 257.225(2) accordingly and simply requires that the registration plate be attached where it can be seen without obstruction.⁷

4 The first sentence of MCL 257.225(2) is not implicated in this case because there is no evidence that the truck's registration plate was not "securely fastened in a horizontal position." Because we ultimately conclude that defendant violated the subsection's second sentence, we need not decide whether he also violated its third sentence. Nonetheless, even if we assume that there was no such violation, it would not affect our determination that the second sentence was violated and therefore that the officers had probable cause to stop defendant's vehicle.

5 Defendant argues that MCL 257.225(2) requires the clear visibility of the registration plate's "place and position" (i.e., its location) rather than expressly requiring the clear visibility of the plate. Nonetheless, because the plate is a thin sheet of metal, we see no effective distinction between the plate's location and the plate itself or between the visibility of the plate's location and the visibility of the plate itself.

6 We note that this interpretation accords with the definitions in *Merriam-Webster's Collegiate Dictionary* (11th ed) (stating that "clearly" means "in a clear manner," which, incorporating the definition of "clear," means in a manner "free from obstruction," and that "visible" means "capable of being seen").

7 We interpret MCL 257.225(2) using the language of the statute. We note, however, that our interpretation accords with a reasonable view of the Legislature's police power: requiring registration plates to be unobstructed certainly advances public safety by permitting witnesses to a hit-and-run motor-vehicle accident or police officers engaged in the investigation of criminal flight to observe the registration information of a fleeing vehicle or by enabling officers effecting a traffic stop to determine whether a driver has a violent criminal history posing some threat.

Defendant argues that a clear-visibility requirement would be "absurd" if it imposed liability for an obstructing object (e.g., a building or pedestrian) or condition (e.g., snow or fog) outside a driver's control. We note, however, that the instant violation was based not on an object or condition outside defendant's control but on an object fully within his control—namely, a towing ball attached to his rear bumper. But in any event, defendant's concern is misplaced; nothing in MCL 257.225(2) evinces the Legislature's intention to impose liability on a person on the basis of conduct or circumstances outside his or her control. Instead, the statute requires a registration plate to "be attached ... in a place and position which is clearly visible." MCL 257.225(2). These words evince no intention to require any person to do anything other than configure his or her vehicle's registration plate, and surrounding attachments, in a manner that ensures the unobstructed visibility of the plate.⁸

8 We do not decide today whether MCL 257.225(2) is violated when a trailer hitch is, in fact, being used to tow a trailer and the combination of the hitch and the trailer obstructs the registration plate. We note that trailers are permitted under the statutory scheme, see MCL 257.721, and that trailers generally must have their own registration plates, see MCL 257.73; MCL 257.216; MCL 257.225.

The Court of Appeals panel, in concluding that defendant did not violate MCL 257.225(2), examined the wrong part of the subsection. Rather than analyzing whether defendant violated the clear-visibility requirement of the subsection's second sentence, the lead opinion and the concurring opinion analyzed only whether he violated the subsection's third sentence, which requires that a registration plate "be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition." MCL 257.225(2). Focusing on whether the plate was "legible," the lead opinion concluded that there was "no evidence that defendant's plate was dirty,

rusted, defaced, scratched, snow-covered, or otherwise not 'maintained' in legible condition." *Dunbar*, 306 Mich.App at 566 (opinion by SHAPIRO, J.). The concurring opinion apparently agreed with this conclusion. See *id.* at 567 (opinion by O'CONNELL, J.). A majority of the panel therefore concluded that defendant had not violated the statute.

But even if the panel correctly concluded that the plate was "clearly legible" under the third sentence of MCL 257.225(2), it failed altogether to consider whether the plate was "clearly visible" under that subsection's second sentence. These two sentences impose separate and distinct duties: the second sentence, by requiring that the plate be "clearly visible," requires that the plate be attached where it will not be obstructed and the third sentence requires that the plate itself "be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition." Quite clearly, the third sentence concerns an ongoing duty to *maintain* the plate so that it can be *read*, that is, to ensure that no foreign materials adhere to the plate and thus obscure the plate and registration information. Because one can comply with the third sentence by maintaining a legible plate yet still violate the second sentence by failing to attach the plate, legible though it may be, "in a place and position which is clearly visible," the panel's analysis was incomplete for not having considered whether defendant violated the second sentence.

Having concluded that MCL 257.225(2) requires that a vehicle's registration plate be attached where it can be seen without obstruction, we apply that understanding of the statute to the instant case to determine whether defendant violated the statute. The trial court found, on the basis of the testimony of the officers and pictures taken during the traffic stop, that the officers' view of the truck's plate was obstructed by the attached towing ball. Indeed, that finding is not challenged. Because MCL 257.225(2) prohibits an obstruction of a vehicle's registration plate, defendant violated the statute. The officers' stop of defendant thus was lawful, and the trial court properly denied defendant's motion to suppress.⁹

⁹ The prosecutor argues in the alternative that even if the officers misinterpreted MCL 257.225(2), their stop of defendant (and their ensuing discovery of contraband) was nonetheless lawful because, under *Heien v. North Carolina*, 574 U.S. ____; 135 S.Ct. 530, 536; 190 L.Ed.2d 475 (2014), a police officer's reasonable suspicion

supporting a traffic stop may rest on a "reasonable mistake of law." Because we conclude that defendant

IV. OBSERVATIONS

As this case demonstrates, a towing ball, when attached to a vehicle in a way that obstructs a view of the vehicle's registration plate, may subject a driver to a police stop, including the possibility of a citation and, if circumstances warrant, a search, seizure, or both. We are cognizant that Michiganders' vehicles commonly have items such as trailer hitches and bicycle racks attached to them, and accordingly recognize that under MCL 257.225(2) common conduct may lead to what some might consider harsh consequences.

But the potentially broad reach of a statute by itself does not invest a judicial body with the authority either to revise that statute or to interpret it in a manner inconsistent with its language. We do not sit as the "legislators in chief" of this state in order to correct statutes that may be viewed by some (or even by many) as "cumbersome," "impractical," or "inadequately precise." See *Lansing Mayor v. Pub Serv Comm*, 470 Mich. 154, 163–164, 680 N.W.2d 840 (2004). Rather, the language of MCL 257.225(2) "compels a particular result," *id.* at 164, and those desiring to alter this result must seek to do so "through those bodies authorized by our Constitution to undertake such decisions typically the legislative branch," *AFT Mich. v. Michigan*, 497 Mich. 197, 215; 866 N.W.2d 782 (2015).

We further note that MCL 257.225(2) is not rendered "ambiguous" or "vague" merely because "the statute casts a net so wide that it could be construed to make violated MCL 257.225(2), we necessarily also conclude that the officers did not make a mistake of law, reasonable or otherwise, and therefore *Heien* is not pertinent. ordinary car equipment illegal." *Dunbar*, 306 Mich.App at 566 (opinion by O'CONNELL, J.). One may observe, for example, from common experience that many drivers on Michigan roads exceed speed limits, but we would not conclude from that observation alone that speed-limit laws are unenforceable, let alone "ambiguous" or "vague." If the Legislature possesses the constitutional authority to enact a statute regulating the placement of registration plates, then it may do so regardless of the number of persons affected by the statute's enforcement.¹⁰ Accordingly, when the people wish to argue "that a statute is unwise or results in bad policy," those arguments "should be addressed to the Legislature." *Oakland Co Bd of Co Rd Comm'rs v. Mich. Prop & Cas Guaranty*

Ass'n, 456 Mich. 590, 613; 575 NW2d 751 (1998) (quotation marks and citation omitted). This Court is simply not authorized to alter the meaning of MCL 257.225(2) on the ground that it might potentially encompass common conduct, and we accordingly decline to do so.

- 10 See, e.g., *Mich. Coalition of State Employee Unions v. Michigan*, 498 Mich. 312, 331332; 870 NW2d 275 (2015) ("[T]he legislative authority of the state 'can do anything which it is not prohibited from doing by the people through the Constitution of the State or the [Constitution of the] United States.'") (citation omitted).

V. CONCLUSION

We conclude that the second sentence of MCL 257.225(2) requires a vehicle's registration plate and surrounding attachments to be configured in such a manner that the plate

is not partially or fully obstructed. The statute therefore prohibits a registration plate from being obstructed by an object attached to a vehicle. We further conclude that defendant violated MCL 257.225(2) because the towing ball attached to his truck partially obstructed the truck's registration plate from the view of police officers following him. The officers thus lawfully stopped defendant and, after smelling burnt marijuana from within the vehicle, lawfully discovered contraband. In lieu of granting leave to appeal, we reverse the Court of Appeals' judgment, reinstate the trial court's denial of defendant's motion to suppress the contraband, and remand this case to the trial court for further proceedings.

All Citations

--- N.W.2d ---, 2016 WL 1228542

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ATTACHMENT

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